PHILIP MORRIS INCORPORATED

LAW DEPARTMENT MEMORANDUM

RICHMOND, VIRGINIA

TO: Carl Adkins DATE: 26 March 1981

FROM: Art Palmer

SUBJECT: DELTA PROJECT--FOREIGN FILING PROGRAM

Following up on our discussion the other day in Frank Resnik's office, this will summarize the plans for foreign filing of patent applications on the Delta subject matter:

(1) The two U.S. applications will be combined, and a single combined application will be filed abroad under the International Convention in order to secure the benefit of our U.S. filing date of May 9, 1980. On this basis, the earliest publication would occur toward the end of 1981. Publication could be deferred an additional 12 months by not claiming priority, but there seems to be a general consensus that it would be preferable to secure the earliest possible effective filing date based on our earlier filed U.S. applications.

(2) Taking into account the responses received to date, we would expect to file in Australia, Brazil, Canada, France, West Germany, Great Britain, Japan, Switzerland and Venezuela. (Argentina, Italy, Netherlands and Philippines are probably less important but would be included unless objections are raised.) However, we would not file in such countries as Finland, Norway, Spain, Sweden and USSR, or the minor countries listed in Susan Hutcheson's memo of March 10.

We are proceeding with the necessary preparations, since more than the usual amount of work is needed, but any changes in the list of countries proposed can be accommodated up to about April 24.

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